

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Jeremiah Jerome Griffin,

Plaintiff,

-against-

Corporation Counsel et al.,

Defendants.

22-CV-8521 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

Plaintiff's fifth amended complaint was dismissed on June 18, 2024, and the Court instructed plaintiff that, if he wished to file a sixth amended complaint, he should do so by August 26, 2024. Dkt. 73. This deadline was extended several times. *See* Dkts. 75, 76, and 78. The final extension set the deadline to October 31, 2024 and informed plaintiff that "there will be no further extensions." Dkt. 78. On November 20, 2024, the Court issued an order closing the case because plaintiff had repeatedly missed deadlines to file an amended complaint and had not filed an amended complaint by October 31, 2024. Dkt. 79.

On November 22, 2024, plaintiff's sixth amended complaint was entered on ECF and docketed as filed on November 20, 2024. Dkt. 80. Plaintiff attests that he delivered the complaint to be mailed to the Court on October 26, 2024. "Under the 'prison mailbox rule,' a prisoner's pleading is deemed filed on the date that he gives it to prison officials for mailing." *Javier v. Russo*, 2022 WL 254207, at *1 (S.D.N.Y. Jan. 25, 2022) (quoting *Walker v. Jastremski*, 430 F.3d 560, 562–64 (2d Cir. 2005)). So plaintiff's sixth amended complaint was timely filed.

The Court liberally construes plaintiff's filing of a sixth amended complaint as implying a motion to vacate the order closing the case. The Clerk of Court is respectfully directed to vacate the order of dismissal with prejudice at Dkt. 79 and reopen the case.

SO ORDERED.

Dated: November 26, 2024

New York, New York


ARUN SUBRAMANIAN
United States District Judge